



PATENT

Our Docket: P-LG 4412

UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:  
Padgett et al.

Serial No.: 09/775,049

Filed: January 31, 2001

For: METHODS FOR HOMOLOGY-DRIVEN  
REASSEMBLY OF NUCLEIC ACID  
SEQUENCES

Commissioner for Patents  
Washington, D.C. 20231

) Examiner: F. Lu

) Group Art Unit: 1634

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By James J. Wong  
James J. Wong, Reg. No. 34,949

June 13, 2002  
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Sir:

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RESPONSE TO RESTRICTION REQUIREMENT

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Responsive to the Restriction Requirement mailed  
February 13, 2002, entry of the amendment and consideration of  
the following remarks is respectfully requested. A response was  
originally due on March 13, 2002. Applicants submit that with  
the payment for an extension of time for three months, the  
present response is timely filed.

AMENDMENTS

Please cancel claims 27 to 31 and 33 to 95.

REMARKS

The Office Action in **Section 2** has restricted the  
present application to four distinct and independent inventions.  
Provided below are the four inventions set forth in the Office  
Action.

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Group I: Claims 1 to 26 and 32, directed to a method of forcing recombination between polynucleotides, classified in class 435, subclass 91.1;

Group II: Claims 27 to 52, directed to a method of forcing recombination between polynucleotides, classified in class 435, subclass 91.1;

Group III: Claims 53 to 81, directed to a method of forcing recombination between polynucleotides, classified in class 435, subclass 91.1; and

Group IV: Claims 82-95, drawn to a method of forcing recombination between polynucleotides, classified in class 435, subclass 91.1.

Election of one of the inventions is required under 35 U.S.C. § 121. Applicants elect the claims set forth in Group I, claims 1 to 26 and 32, for examination. Claims 27 to 31 and 33 to 95 are cancelled herein without prejudice to Applicants pursuing prosecution of the cancelled subject matter in a subsequent application claiming the benefit of priority of the present application.

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In **Section 6**, the Restriction Requirement indicates that if the claims of Group I are elected for examination, a single species selected from the following:

- (1) polynucleotides only (claims 2 to 8, 11, 12, 15 to 21, 24, 25, and 32);
- (2) functional property assay (claims 9, 10, 22, and 23); and
- (3) adding clamp (claims 13 and 26),

is required to be elected for examination. Applicants elect the species of polynucleotides only, as recited in claims 2 to 8, 11, 12, 15 to 21, 24, 25, and 32 for examination. As requested in the Restriction Requirement, it is submitted that the elected species are readable on claims 1 and 14.

Applicants respectfully note that **Section 5** appears to be a duplicate and erroneous section directed to the election of species. Applicants have responded to the requirements as laid out in the alternate **Section 6**.

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#### CONCLUSION

Applicants have elected the claims set forth in Group I, claims 1 to 26 and 32, for examination. Applicants further elect from Group I the species of claims 2 to 8, 11, 12, 15 to 21, 24, 25, and 32, for examination. The Examiner is invited to call Cathryn Campbell or the undersigned attorney if there are any questions.

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Respectfully submitted,

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June 13, 2002  
Date

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